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October 25, 2024

GRANTED. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 95.

**Via CM/ECF**

SO ORDERED.

The Honorable Arun Subramanian  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 15A  
New York, NY 10007

  
Arun Subramanian, U.S.D.J.  
Date: October 28, 2024

**Re:** *Juan B. Almanzar v. Santander Bank, N.A.*, Case No. 1:23-cv-10706-AS  
Plaintiff's Unopposed Letter-Motion for Extension of Deadlines for Class Certification Briefing

Dear Judge Subramanian,

Pursuant to Federal Rule of Civil Procedure 6, a district court may extend a deadline for good cause, with or without motion or notice, if the request is made before the original deadline or its extension expires. *Manigault v. ABC Inc.*, 796 F. App'x 13, \*15 (2d Cir. 2019) (citing Fed. R. Civ. P. 6(b)(1)(A)). In accordance with this standard and this Court's Individual Practices Rule 3(E), Plaintiff respectfully seeks an extension of the upcoming deadline for filing the motion for class certification, currently scheduled for November 8, 2024. See Class Motion Scheduling Order, at 1, Dkt. No. 28. The parties have met and conferred by video conference and the Defendant does not oppose this request.

In this case, Defendant previously requested an adjournment of the initial pre-trial conference and related deadlines pending resolution of Defendant's motion to dismiss, which was ultimately denied. However, Plaintiff has not an extension of time thus far. As of this time, all summary judgment-related deadlines have been met, and there is neither a final pre-trial conference nor a trial date set per the current scheduling order. See Scheduling Order, Dkt. No. 25. There is currently no date set for the parties' next appearance before the Court, as no dates for oral argument on the summary judgment motions have been set. The remaining deadlines are as follows:

- Motion for Class Certification: November 8, 2024
- Opposition to Class Certification: December 9, 2024
- Reply to Class Certification: December 23, 2024

Plaintiff respectfully requests that each of these deadlines be extended by 7 ("seven") days. This request is based on several factors:

1. **Discovery Timing:** Substantive discovery was answered less than two months prior to the filing of summary judgment motions, requiring parties to expedite document production, conduct depositions, and draft motions simultaneously. The intensity of this



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schedule was compounded by the need to address cross-summary judgment motions, resulting in significant time devoted to drafting oppositions and replies.

2. **Holiday Disruptions:** Counsel for both parties experienced disruption due to the Jewish holidays of Rosh Hashanah and Sukkot, losing approximately one week of productivity. These holidays, combined with the demands of preparing summary judgment filings, created further constraints on counsel's availability and workload.
3. **Existing Caseloads:** Counsel for both parties manage several other active matters, which have required substantial time and attention including Ninth Circuit oral argument, upcoming depositions, and other substantive motion deadlines. Balancing the demands of this case along with other caseload obligations has been challenging, and an extension would allow for more thorough preparation of the class certification motion and related briefs.

Given these circumstances, the Plaintiff respectfully submits that good cause exists for an extension of the class certification briefing schedule. The proposed new deadlines are:

- Motion for Class Certification: November 15, 2024
- Opposition to Class Certification: December 16, 2024
- Reply to Class Certification: December 30, 2024

This request is being made well in advance of the November 8, 2024, deadline, in accordance with the Court's requirement that extension requests be submitted at least two business days prior to the deadline. The short extension of time is made for a proper purpose and not for the purpose of delay. No party will be prejudiced by the extension of time and the court's trial calendar will not be affected.

Thank you for your consideration.

Respectfully submitted,

/s/ Susan M. Rotkis

cc: Counsel of Record (via ECF)